

CARR: Fire Prevention Fee causes firestorm of controversy

By Charles Carr

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There's a firestorm raging over state Assembly Bill 1x29. Signed into law July 7 by Gov. Jerry Brown, the legislation levies a special fee on homeowners in so-called State Responsibility Areas ---- nearly a million residents across 31 million acres. SRAs account for roughly half a million acres in San Diego County alone, pretty much all of the backcountry.

Details are still being ironed out but, generally, under the new law residents would be billed an annual Fire Prevention Fee separate from their regular property tax bill. The fee, originally set at \$150 per structure, was lowered to \$90 as a result of a ruling by the California Department of Forestry and Fire Protection board. Owners of homes in extreme fire zones (again, essentially the entire backcountry) will be levied an additional surcharge. Owners who already pay for local fire protection through district fees or other taxes might pay as much as \$65 less.

Opponents of the bill ---- as many in number as in reason ---- assert that the Fire Prevention Fee is not, in fact, a fee but a tax and as such would violate 2010's Proposition 26, which requires a two-thirds supermajority for passage. The Howard Jarvis Taxpayers Association has announced its intention to file suit against the plan.

Concern is also expressed that the new fee will raise nowhere near the \$50 million that lawmakers cut this year and as much as \$200 million annually thereafter from CalFire's budget and that money raised could only be used for "fire prevention education," not to directly fight fires.

Finally, many see the bill as being the thin edge of the wedge, a legislative template with the potential to enable an invasion of tax wolves in 'fees' clothing.

In an Aug. 9 letter to Gov. Brown, Michelle Steel, vice chair of the Third District of the state Board of Equalization, the agency tasked with collecting the fee for CalFire, wrote, "General Fund spending for Cal Fire, which was cut in the 2011-2012 budget, could have been allocated to actual firefighting activities including pay for firefighters and for new equipment. This is in sharp contrast to revenue

generated from this rural fire prevention fee which can only be allocated to 'fire prevention activities' such as home inspections and conservation grants."

Arie Dana, Steel's communications director, told me, "It appears the idea behind AB 1x29 was to use revenue from the fee to backfill what was cut, but little or none of the money that we will be collecting will directly benefit firefighters. It will create a false sense of security. What the homeowner might actually get is a brochure in the mail that says 'clear your brush.' Important, but not firefighting."

But Janet Upton, a deputy director with CalFire, dissented somewhat: "We don't see the fee as necessarily a bad thing if it creates a stable source of revenue for public safety. Still, our job will be to implement the law as it continues to be refined by the governor, the Legislature, and other interests."

Other interests. That's you. A good place start is at the Board of Forestry and Fire Protection website (www.bof.fire.ca.gov), which has a public comment section. Also contact state Sen. Joel Anderson (<http://cssrc.us/web/36/>).